

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PRINCE V. HAMPTON
(#A690165),

Petitioner,

v.

DAVE BOBBY,¹ Warden,

Respondent.

)
) CASE NO. 3:19CV2861
)

)
) JUDGE BENITA Y. PEARSON
)

)
) **MEMORANDUM OF OPINION**
) **AND ORDER**

Petitioner Prince V. Hampton filed a *pro se* Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) ([ECF No. 4](#)) alleging three (3) grounds for relief which challenge the constitutional sufficiency of his convictions in Erie County, Ohio Court of Common Pleas Case Nos. [2015 CR 0148](#), [2015 CR 0426](#), and [2016 CR 0098](#). Petitioner was sentenced to a total aggregate sentence of eight (8) years for one count of trafficking in cocaine and one count of possession of cocaine, with a forfeiture specification.

¹ According to the Ohio Department of Rehabilitation & Correction website (<https://appgateway.drc.ohio.gov/OffenderSearch/Search/Details/A690165> (last visited April 25, 2022)), Petitioner is now confined at the Northeast Ohio Correctional Center. The Warden of that institution, Dave Bobby, has been substituted for Chae Harris, Warden.

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The above-entitled federal habeas petition was referred to a magistrate judge² for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#). On March 30, 2022, the magistrate judge issued a Report and Recommendation ([ECF No. 15](#)). In her Report, the magistrate judge recommends that the Court deny the habeas petition because Ground One is procedurally defaulted ([ECF No. 15 at PageID #: 365-67](#)); Petitioner has not shown in Ground Two that the record demonstrates his trial counsel was ineffective when counsel allowed him to plead guilty ([ECF No. 15 at PageID #: 367-69](#)); and, Ground Three – asserting that his trial counsel was ineffective for requesting a joinder of his indictments in [Case Nos. 2015 CR 0148 and 2015 CR 0426](#), his overall performance, and allowing an involuntary plea – are without merit or procedurally defaulted ([ECF No. 15 at PageID #: 369-73](#)).

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the Report were, therefore, due on April 18, 2022.³ Neither party has timely filed objections. Therefore, the Court must assume that the parties are satisfied with the magistrate judge's recommendations. Any further review by this

² The Court referred the case to Magistrate Judge James R. Knepp II. In November 2020, the case was reassigned from Judge Knepp in his role as a magistrate judge to Magistrate Judge David A. Ruiz pursuant to General Order 2020-26. On February 15, 2022, the case was reassigned from Judge Ruiz in his role as a magistrate judge to Magistrate Judge Carmen E. Henderson pursuant to [General Order 2022-03](#).

³ Under [Fed. R. Civ. P. 6\(d\)](#), three (3) days must be added to the 14-day time period because Petitioner was served a copy of the Report by mail. See [Thompson v. Chandler, 36 Fed.Appx. 783, 784 \(6th Cir. 2002\)](#). The Court has accounted for those three days, as well as additional time for any mailed objection to reach the Court, before issuing this Order.

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Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. Prince V. Hampton's Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

The Clerk of Court shall send a copy of the within Memorandum of Opinion and Order by regular mail to Prince V. Hampton, #A690165, Northeast Ohio Correctional Center, 2240 Hubbard Road, Youngstown, Ohio 44505.

IT IS SO ORDERED.

April 29, 2022
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge